

REGULAR SESSION RUSH COUNTY BOARD OF COMMISSIONERS SEPTEMBER 21, 2015

The Rush County Board of Commissioners met in regular session Monday, September 21, 2015 with Commissioners Bruce Levi, Mark Bacon, Paul Wilkinson, Jodi Harr Deputy Auditor and Attorney Leigh Morning in attendance. Auditor Mary Ann Beard was at a training conference. Commissioner Bruce Levi called the meeting to order and led the Pledge of Allegiance.

Minutes of the September 8th meeting were approved on a by motion Mark Bacon. Paul Wilkinson seconded the motion. Motion carried.

AUDITOR

- Bi-weekly claims were approved with Paul Wilkinson initiating the motion and Mark Bacon offering a second. Motion carried.
- Payroll claims were submitted. Mark Bacon moved to approve the payroll. Paul Wilkinson seconded the motion. Motion carried.

TREASURER

Rush County Treasurer, Cindra Humphrey, presented the August, 2015 Monthly Treasurers Report. A motion was made by Paul Wilkinson to accept the report. Mark Bacon seconded the motion. Motion carried. Humphrey also informed the Commissioners that two mobile homes will be auctioned off the week of October 17-24, 2015 due to delinquent property taxes. The sale is an on line sale. There are currently forty-four (44) real estate properties eligible for tax sale on October 5, 2015.

John Saxon asked who interested parties contact after the tax sale regarding properties in Walker Twp that do not sale. Humphrey informed him the interested party would need to contact the Commissioners after the tax sale is held.

EMA

Chuck Kemker asked the commissioners to appoint two elected officials who will have the authority to sign grant applications through the newly implemented E-Contract process at the Indiana Department of Homeland Security. Paul Wilkinson made the motion to appoint Commissioner Mark Bacon and Auditor Mary Ann Beard as the two elected officials to sign E-Contracts. Bruce Levi seconded the motion. Motion carried.

COMMUNITY CORRECTION AMENDED GRANT

Judge Brian Hill presented the commissioners with an amendment to the current Community Correction Grant. Approximately \$112,000 is being requested to establish a problem solving court. Judge Hill asked the Commissioners to sign a letter of support to be submitted with the grant. After review of the letter by County Attorney Leigh Morning, Mark Bacon made the motion for Bruce Levi to sign the letter of support. Paul Wilkinson seconded. Motion carried.

JAIL CONSTRUCTION

Luke Kahren with American Structure Point, an engineering firm from Indianapolis, introduced their company and offered their services to Rush County when the county is ready to build a new jail. The Commissioners thanked them for coming to the meeting.

HIGHWAY

Superintendent Jerry Sitton asked the Commissioners to approve an amendment to the bridge inspection agreement with United Consulting. Due to new state specifications some of Rush County's bridges will need to be inspected on an annual basis rather than a bi-annual basis. The additional cost is \$17,000. The county's cost will be twenty (20) % of the \$17,000. The new specifications could result in some county bridges being closed. Paul Wilkinson made the motion to approve and sign the supplemental agreement between Rush County and United Consulting. Mark Bacon seconded the motion. Motion carried. County resident Stu Linville asked how many bridges this will affect. He was informed he can contact Jerry Sitton at a later date to get that information.

Bruce Levi received a call from the Heritage group regarding a gathering they will be having at the covered bridges and they would like the county to clean up the area around the covered bridges. The County Highway department will take care of the cleanup.

Mr. Daubenspeck also contacted Bruce Levi regarding drainage problems he is having at his residence located at 300 N and 250 E. Rush County Surveyor Marvin Rees has determined it as a county ditch. Bruce Levi requested that Mr. Rees and Jerry Sitton address the issue.

MADRIGAL DINNER

Paul Grizzard, Choir Director at RCHS, emailed County Auditor Mary Ann Beard to request use of the courthouse December 10 – 13, 2015 for the annual Madrigal Dinner hosted by the RCHS Madrigal Choir. Mark Bacon made the motion to allow the use of the courthouse. Paul Wilkinson seconded the motion. Motion carried.

VACATED ALLEY

Gary and Vicki Weitzel requested in writing the closure of an alley between two parcels that they own located at 9422 and 9438 W. Pearl Street in Manilla. A public hearing will be held on Monday, October 29, 2015 at 9:15 a.m. County resident John Saxon asked how many lots are involved and will the county require the Weitzel's to go to the Area Plan Commission to re-plat the lots. The paper work for this request is available for review in the Auditor's office and the Commissioners will not require them to go to the Area Plan Commission.

COURTHOUSE ANNEX

County Attorney Leigh Morning gave the Commissioners an estimated cost of monthly utilities as paid through the Auditor's office for the last two months for the Courthouse Annex building. Paul Wilkinson requested that the Auditor contact the prior owner of the property, Rush/Shelby Energy, to see what their utility cost were for the last twelve months they owned the property. Bruce Levi commented these will be short term leases and the county is not trying to make money on the building, just cover our cost. There was a question as to who is responsible for phone repairs at the building. County Attorney Leigh Morning agrees the lease is clear that it is the responsibility of the tenants for phone service and repairs. Paul Wilkinson recommends that the tenant pay for phone repairs. He has left a message at Ivy Tech to relay this information.

SHERIFF

Sheriff Jim Cowan reported there are 43 inmates currently housed at the jail. He reported activity on all areas of the sheriff's department and jail. There is a recall on the Dodge Chargers for the air bags. One of the Chargers also has a knocking in the engine.

The Sheriff presented the contract with Owens Communications for three new Motorola E911 consoles to be placed at the Rush County Sheriff's Department and Rushville City Dispatch. County Attorney Leigh Morning has reviewed the contract. The cost of the three consoles is \$290,378.62. The invoice will be sent to the sheriff's department along with the equipment. Installation and training are included in the cost. Leigh Morning reminded the commissioners that this cost can be incorporated with the new jail. Mark Bacon made the motion to sign the contract as presented. Paul Wilkinson seconded the motion. Motion carried.

AREA PLAN

County Council Chairman Gerald Mohr and Rushville City Mayor Mike Pavey were in attendance to explain the progress of re-organizing the Area Plan Commission. A draft copy of the Inter-local Cooperation Agreement to create a joint planning and zoning office was given to the Commissioners for their review. Housing of the office would be at the courthouse and the financials would be handled by the City of Rushville. They would bill the county on a quarterly basis. The newly formed Governing Board would be responsible for hiring of staff and budgeting of the office instead of the current Area Plan Commission. The two mile buffer around the city would only change if the County Commissioners changed it. The Attorneys for the Town Boards of Carthage and Glenwood are working on their town's participation on the new board. There could be cost savings with the joint council and in the GIS area. A copy of the Rushville City Ordinance withdrawing from the Rush County Area Plan Commission and the Rush County Board of Zoning Appeals and the Creation of the Rushville Advisory Plan Commission and Rushville Advisory Board of Zoning Appeals was also given to the Commissioners. Mark Bacon made the motion to take the proposal under advisement for two weeks. Paul Wilkinson seconded the motion. Motion carried. The presented information is available for review in the County Auditor's office.

SOLAR ENERGY

County Attorney Leigh Morning did contact Coldwell Bankers regarding a request to purchase or lease county-owned property. Their proposal is to purchase 120 acres at \$8,000 per acre or to lease the ground for \$800 per acre for thirty (30) years with a two to five year extensions. After discussion it was agreed that the purchase price is not consistent with the current market value of agricultural land in Rush County. The lease option would leave the county with a remaining fifty (50) acres of tillable land that would be difficult to rent. Paul Wilkinson made the motion to reject the offer. Mark Bacon seconded. Motion carried. Victoria Foley asked if the commissioners knew who Coldwell Bankers was representing. The commissioners do not know.

JAIL BUILDING SEMINAR

Commissioner Paul Wilkinson will be attending a Criminal Justice & Detention Facility Seminar in Indianapolis on October 14, 2015.

FLAT ROCK WIND FARMS

Rob Probst from APEX introduced Mark Goodwin, President and Chief Operating Officer of APEX. Mr. Goodwin expressed that APEX is committed to working with Rush County on the Windfarm Project. He discussed the types of wind turbines and the safety of wind turbines. He stated APEX will remain the project operators. APEX is moving forward with this project because there are still land owners who want the project. They are continuing to work on public awareness of the project. Mr. Goodwin also discussed the economic benefit of the project. APEX has received the zoning permits and will continue work on this wind farm project. Paul Wilkinson stated it has taken negative action by the county to get someone down here to work with the county and to get information for the public. Mr. Goodwin stated he hears the message loud and clear.

Public comments:

Phil Gordon: Why are we here? He has heard the complaints that supporters have not been to meetings. If this topic is not on the agenda, why should we be here? Let the legal process work.

Hank Campbell: Mr. Campbell asked for those who support this project to raise their hands. He commented that there were not as many in support of project. The support is not here.

Michelle Orme: Husband is Brett Orme. He is home working in the fields. Land owners are not losing interest. They have jobs and cannot be here. Are the wind farms on the agenda today? Focus on landowners rights. In regards to the future, unless kids want to take over the family farm, there is nothing here for them. We need progress in this county.

Bruce Levi apologized for not getting back to all of the phone calls and emails he has received. Voice mail and email are full.

Marion Baker: Apex talked about how much the county would get in property taxes. Apex is doing soil samples 1600 feet from his property line. What good will tax abatements do?

Brian Campbell: Apex still did not answer questions about turbines or keeping the project. Apex said "We want to win back your trust." You never lost our trust. Why are we here? We had a cease and desist order.

Mary Jo Lovett: Yes landowners are still supporting the project. Soil samples have been done on her land. What is the issue? It is her land. Towers were permitted by the BZA. Her frustration is the rumors and threats going on. She is disappointed with government and its procedures. Why is this being discussed and no one knowing ahead of time that it will be discussed? Wind Energy is needed. The government needs to look at facts not rumors. This process started in 2008. Her family has put much time into researching this project before accepting the land contract.

Marlin Ratekin: Live in Rushville but moved here because of the county scenery. He does not want to live in the middle of a wind farm.

Tom Monka: Let things work out in the process.

Mark English: Non-supporters are land owners also. He comes because of his conviction against it. He did not know which meetings it would be discussed. Maybe Apex should help communities in their home state of Virginia.

Mark Goodwin: Apex is working on three wind farm projects in Virginia.

Tom Monks: Commissioner Levi do you have a report of calls to courthouse?

Bruce Levi: No

Stu Linville: Is the last vote still in effect regarding no negotiations with APEX?

Bruce Levi: Yes

Mr. Baker: Is there a possibility to put a complete stop to windmill discussion?

Bruce Levi: No

Mark Bacon: A cease and desist order was made. The Commissioners have the responsibility to make sure they know what they are signing. His phone calls have been about 50/50 on for and against wind farm project.

Stu Linville: Can Leigh address how the judicial review is being handled.

Leigh Morning: No. She is not involved.

Hank Campbell: Should we come to all meetings until we hear they (wind farms) are banned?

Bruce Levi: Stay involved.

Mark Bacon moved to adjourn. Paul Wilkinson seconded the motion. Motion carried.

/s/ Bruce Levi
Bruce Levi, Chairman

/s/ Mark Bacon
Mark Bacon

/s/ Paul Wilkinson
Paul Wilkinson

ATTEST:

/s/ Mary Ann Beard
Mary Ann Beard, Auditor